

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

<p>ST. BARNABAS HOSPITAL, INC., COMMUNITY MEDICAL CENTER HEALTHCARE SYSTEM, and CONNECTICUT CHILDREN'S MEDICAL CENTER, on behalf of themselves and all others similarly situated,</p> <p style="text-align: center;">Plaintiffs,</p> <p>v.</p> <p>OVATION PHARMACEUTICALS, INC. and LUNDBECK, INC.,</p> <p style="text-align: center;">Defendants.</p>	<p>Civil No. 09-1375(JNE/JJG)</p>
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ORDER APPOINTING INTERIM CLASS COUNSEL

WHEREAS, Plaintiffs St. Barnabas Hospital, Inc., Community Medical Center Healthcare System, and Connecticut Children's Medical Center ("Plaintiffs") each filed a class action complaint for alleged violations of federal antitrust laws involving the brand name prescription drugs Indocin and NeoProfen; and

WHEREAS, pursuant to the parties' stipulation on December 18, 2009, this Court in a separate Order consolidated the three actions and any other future-filed, direct purchaser actions relating to the same underlying conduct under the case caption *St. Barnabas Hospital, Inc., et al. v. Ovation Pharmaceuticals, Inc. et al.*, Civil No. 09-1375 (JNE/JJG) (also referred to as the "Lundbeck Consolidated Class Action"); and

WHEREAS, counsel for the Plaintiffs in the Lundbeck Consolidated Class Action have conferred and agreed upon a proposed organizational structure to prosecute the case efficiently; and

WHEREAS, counsel for the Plaintiffs have requested that, pursuant to Federal Rule of Civil Procedure 23(g)(3), the Court appoint an Executive Committee of five firms, listed below, to serve as Interim Class Counsel; and

WHEREAS, the Court has considered the factors set forth in Rule 23(g)(1)(A) in determining whether to appoint this Executive Committee as Interim Class Counsel; and

WHEREAS, the Court finds that, at this early point in the litigation and considering the knowledge and experience of the firms that make up the Executive Committee, as well as their willingness to commit the resources necessary to represent the proposed class, it is appropriate to appoint this Executive Committee to serve as Interim Class Counsel, pursuant to Rule 23(g)(3);

IT IS HEREBY ORDERED THAT:

1. The Motion for Appointment of an Interim Class Counsel Leadership Structure Pursuant to Rule 23(g)(3) (Doc. No. 65) is **GRANTED**.
2. The Court designates the following Executive Committee of firms to act as Interim Class Counsel on behalf of all Plaintiffs and the proposed class in the Lundbeck Consolidated Class Action, with the responsibilities described below:

**POMERANTZ HAUDEK
GROSSMAN & GROSS LLP**

Marc I. Gross
Michael M. Buchman
100 Park Avenue, 26th Floor
New York, NY 10117
Tel.: (212) 661-1100
Fax: (212) 661-8665
Email: migross@pomlaw.com
Email: mbuchman@pomlaw.com

BERGER & MONTAGUE, P.C.

Eric L. Cramer
Daniel C. Simons
1622 Locust St.
Philadelphia, PA 19103
Tel.: (215) 875-3000
Fax: (215) 875-4604
Email: ecramer@bm.net
Email: dsimons@bm.net

SALTZ MONGELUZZI BARRETT & BENDESKY, P.C.

Simon B. Paris
Patrick Howard
One Liberty Place, 52nd Floor
1650 Market St.
Philadelphia, PA 19103
Tel.: (215) 575-3986
Email: sparis@smbb.com
Email: phoward@smbb.com

ZIMMERMAN REED, P.L.L.P.

Carolyn G. Anderson (#275712)
Patricia A. Bloodgood (#157673)
651 Nicollet Mall, Suite 501
Minneapolis, MN 55402
Tel.: (612) 341-0400
Fax.: (612) 341-0844
Email: Carolyn.Anderson@zimmreed.com
Email: Patricia.Bloodgood@zimmreed.com

GUSTAFSON GLUEK, PLLC

Daniel E. Gustafson (#202241)

Karla M. Gluek (#238399)

650 Northstar East

608 Second Ave. South

Minneapolis, MN 55402

Tel.: (612) 333-8844

Fax: (612) 339-6622

Email: dgustafson@gustafsongluek.com

Email: kgluek@gustafsongluek.com

3. Interim Class Counsel, working together in an efficient and coordinated fashion, shall have full and exclusive authority over and the power to conduct the following matters and activities on behalf of Plaintiffs in the Lundbeck Consolidated Class Action: (a) receive orders, notices, correspondence, and telephone calls from the Court and the Clerk of Court; (b) coordinate electronic filing and docketing of pleadings, briefs, motions, and hearings; (c) convene meetings of counsel; (d) initiate, respond to, schedule, brief, and argue all motions; (e) determine the scope, order, and conduct of all discovery proceedings; (f) make such work assignments to other Plaintiffs' counsel as they may deem appropriate; (g) retain experts; (h) designate which attorneys may appear at hearings and conferences with the Court; (i) determine the timing of and conduct any settlement negotiations with Defendants; (j) present any proposed settlements to the Court; and (k) act in other matters concerning the prosecution and resolution of the case.

4. Absent leave of Court, to be granted only upon a showing of good cause, no motion shall be initiated or filed on behalf of any Plaintiff in the Lundbeck Consolidated Class Action except through Interim Class Counsel or with the consent of Interim Class Counsel.

5. Interim Class Counsel or their designees shall have the sole authority to communicate with Defendants' counsel and the Court on behalf of the Plaintiffs in the Lundbeck Consolidated Class Action. Defendants' counsel and the Court may rely on any and all agreements made with any of the firms that have been appointed Interim Class Counsel in the Lundbeck Consolidated Class Action, and such agreements shall be binding on all counsel in the Lundbeck Consolidated Class Action.

6. All Plaintiffs' Counsel in the Lundbeck Consolidated Class Action shall keep time records and shall periodically submit summaries or other records of time and expenses to Interim Class Counsel or their designees.

Dated: January 20, 2010

s/ Jeanne J. Graham

JEANNE J. GRAHAM
United States Magistrate Judge